

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 1-84 are pending in the present application. As a result of applicants' prior election of Claims 1-44 and 58-84, applicants herein cancel Claims 45-57 and reserve the right to file one or more applications based on these claims.

As a preliminary matter, applicants take this opportunity to correct the indication of Government Support in the first paragraph of the specification.

In the Official Action, the Examiner first rejected Claims 1, 11, 21 and 33 under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner particularly indicated that it was unclear which element (Si cap layer or top $\text{Si}_{1-m}\text{Ge}_m$ buffer layer) was under tensile strain.

In the Official Action, the Examiner further rejected Claims 1, 58 and 82 under 35 U.S.C. §102(e), as being unpatentable over Kubo et al. (U.S. Patent Pub. No. 2003/0102490) (hereinafter "Kubo"). The Examiner further rejected Claims 11, 59 and 83 under 35 U.S.C. §102(e), as being unpatentable over Kubo.

The Examiner further rejected Claims 21 and 70 under 35 U.S.C. §103(a), as being allegedly unpatentable over Kubo and, further rejected Claims 33 and 71 under 35 U.S.C. §103(a), as being allegedly unpatentable over Kubo.

The Examiner did object to Claims 2-5 and 64 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner did further object to Claims 6-10, 60, 61 and 66, 67 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if

rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner did further object to Claims 12-15, 19, 20, 65, 68, 69 and 84 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner further objected to Claims 16-18, 62 and 63 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner did further object to Claims 22-26 and 76 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner further objected to Claims 27-32, 72, 73, 78 and 79 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner did object to Claims 34-38 and 77 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner further objected to Claims 39-44, 74, 75, 80 and 81 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to the Examiner's indication of allowable subject matter, Applicants herein cancel Claim 1 and incorporate the subject matter thereof in Claim 2 which has now been recast in independent form. Furthermore, applicants have incorporated the subject matter of canceled Claim 1 in Claim 6 which has been further cast in independent form. In light of the cancellation of Claim 1, the dependency of Claim 58 has been corrected accordingly.

Further, in response to the Examiner's indication of allowable subject matter, Applicants herein cancel Claim 11 and incorporate the subject matter thereof in Claim 12 which has now been recast in independent form. Furthermore, applicants have incorporated the subject matter of canceled Claim 11 in Claim 16 that is now cast in independent form. In light of the cancellation of Claim 11, the dependencies of Claims 13 and 59 has been corrected accordingly.

In response to the Examiner's indication of allowable subject matter, Applicants herein cancel Claim 21 and incorporate the subject matter thereof in Claim 22 which has now been recast in independent form. Furthermore, applicants have incorporated the subject matter of canceled Claim 21 in Claim 27 that is now cast in independent form. In light of the cancellation of Claim 21, the dependency of Claim 70 has been corrected accordingly.

In response to the Examiner's indication of allowable subject matter, Applicants herein cancel Claim 33 and incorporate the subject matter thereof in Claim 34 which has now been recast in independent form. Furthermore, applicants have incorporated the subject matter of canceled Claim 33 in Claim 39 that is now cast in independent form. In light of the cancellation of Claim 33, the dependency of Claim 71 has been corrected accordingly.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven Fischman", with a long horizontal flourish extending to the right.

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